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REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed June 14, 2006. In the Action, the Examiner noted that claims 1, 3-14, 16-23 and 25-27 were pending and stand rejected.

By this response, Applicants have herein amended claims 1 and 9 to correct a typographical error.

In view of the foregoing amendments and the following discussion, Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Therefore, Applicants believe that this application is now in condition for allowance.

It is to be understood that Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response including amendments.

REJECTIONS

35 U.S.C. §103(a)

Claims 1, 3-14, 16-23 and 25-27

The Examiner has rejected claims 1, 3-14, 16-23 and 25-27 under 35 U.S.C. §103(a) as being unpatentable over Thomas (U.S. Patent 5,666,645 hereinafter "Thomas") in view of Boyer (U.S. Patent 6,268,849 hereinafter "Boyer"). The rejection is respectfully traversed.

Independent claim 1 recites (and independent claims 9, 14, 21, 25, and 29 recite similar relevant elements):

> 1. An information service distribution system comprising:
> at least a first provider of information to be broadcast to viewers in at least one television distribution system, said provider including programming which periodically generates one or more information files and stores said files in a provider storage medium;

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> a central server for receiving said information files from said provider storage medium, said central server including a plurality of storage locations for storing said information files;
>
> a provider server for periodically transferring said information files in said provider storage medium to said central server, said <u>provider server</u> including programming for <u>periodically checking whether said provider has transferred any updated files to said provider storage medium and transferring any such updated files to said central server;</u>
>
> at least a first local server for receiving said files from said central server and sending said files to a corresponding cable headend in a television distribution system for broadcast to viewers in said television distribution system as a plurality of static screens of information, each screen including information pertaining to an area of interest; and
>
> programming in said central server for periodically checking whether information files are present in any of said storage locations, and transferring any such files to said local server;
>
> wherein the area of interest is selected from the group consisting of: news, sports, weather, stocks, traffic, local communities, children's programs, entertainment, technology, finance, music, and airline flight status.

In the Office Action, the Examiner equates the electronic programming guide (EPG) provider of Thomas with the first provider of Applicants' claim 1. (Office Action, Pg. 3). In the Office Action, the Examiner admits that Thomas fails to teach a provider storage medium. The Examiner then takes Official Notice that maintaining a storage medium at an electronic programming guide (EPG) provider is well known in the art. (Office Action, Pg. 3). Furthermore, in the Office Action, the Examiner equates ADC 10 and database 90 of Thomas with the central server of Applicants' claim 1. (Office Action, Pg. 4). Finally, in the Office Action, the Examiner states that "[r]egarding the newly added feature of 'periodically checking whether the provider has transferred any updated files to the provider storage medium and transferring any such updated files to the central server', Thomas teaches that <u>the ADC processor 120</u> determines additions, deletions, and changes, col. 6, lines 12-25, which meets the claimed subject matter." (Office Action, Pg. 5, Emphasis added). Applicants respectfully disagree.

As taught in Thomas, <u>ADC processor 120</u> is a processor of <u>Automated Data Collection (ADC) module 10</u>, which is also referred to in Thomas as ADC subsystem 10,

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as is evident from at least the following portion of Thomas: "Automated data collection ("ADC") subsystem 10...." (Thomas, Col. 5, Line 52). From the cited portions of the Office Action, it is clear that the Examiner equates ADC 10 and database 90 of Thomas with the central server of Applicants' invention of claim 1, however, as is also evident from the cited portions of the Office Action described above, the Examiner later cites a feature of ADC processor 120 not for teaching a feature of the central server of Applicants' invention of claim 1, but, rather, for teaching a feature of the provider server of Applicants' invention of claim 1.

As such, the Examiner cites ADC 10 for teaching one component of Applicants' system of claim 1 (namely, the central server of Applicants' claim 1) and then cites a specific portion of ADC 10 (namely, ADC processor 120) for teaching a feature of a different component of Applicants' system of claim 1 (namely, for teaching that the provider server includes programming for periodically checking whether the provider has transferred any updated files to the provider storage medium and transferring any such updated files to the central server, as taught in Applicants' claim 1). In other words, the Examiner takes Official Notice to teach the provider server and then cites ADC 10 for teaching functionality of the provider server even though the Examiner cites ADC 10 for teaching the central server.

Thomas is completely devoid of any teaching or suggestion that a provider server includes programming for periodically checking whether the provider has transferred any updated files to a provider storage medium and transferring any such updated files to a central server, as taught in Applicants' claim 1. As such, Thomas fails to teach or suggestion Applicants' invention of claim 1.

Furthermore, Boyer fails to bridge the substantial gap between Thomas and Applicants' invention. Boyer is generally directed to an internet television program guide system that allows a user at a multimedia system to access television program listings containing embedded real-time data over an Internet communications link. (See Boyer, abstract.) Boyer fails to teach or suggest that the provider server includes programming for periodically checking whether the provider has transferred any updated files to the provider storage medium and transferring any such updated files to

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the central server, as claimed. As such, Thomas and Boyer, alone or in combination, fail to teach or suggest Applicants' invention, as a whole.

As such, Applicants submit that independent claims 1, 9, 14, 21, and 25 are non-obvious and patentable over Thomas and further in view of Boyer under 35 U.S.C. §103. Furthermore, claims 3-13, 16-20, 22-23, and 26-27 depend from independent claims 9, 14, 21, and 25 and further define or recite additional limitations thereof. As such and at least for the same reasons as discussed above, Applicants submit that these dependent claims are also non-obvious and patentable over Thomas and further in view of Boyer under 35 U.S.C. §103. Therefore, Applicants respectfully request that the rejection be withdrawn.

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CONCLUSION

In view of the foregoing, Applicants believe that this application is in condition for allowance. Reconsideration of this application and its swift passage to issue are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Michael Bentley or Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

_8/28/06_

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